



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JDG:RTP
F. # 2015R00253

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 24, 2015

By ECF

The Honorable Joseph F. Bianco
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **APR 28 2015** ★

LONG ISLAND OFFICE

Re: United States v. Philip Kenner
Criminal Docket No. 13-607 (S-1) (JFB)

Dear Judge Bianco:

As the Court is aware, I am firewall counsel in the above-referenced case. During the April 22, 2015 status conference, the Court discussed with the parties the United States Marshal Service's plan to move the defendant Philip Kenner from the Queens GEO Detention Facility ("Queens GEO") to the Metropolitan Detention Center ("MDC"). The Court indicated its preference that the defendant remain at Queens GEO and directed the government to inform the Court whether it was feasible for the defendant to remain there. If it was determined that it was not feasible for the defendant to remain at Queens GEO, the Court directed the government to ascertain whether the MDC could accommodate the defendant being able to use a laptop computer that the Court previously directed be provided to the defendant to review materials in connection with his upcoming trial. The Court further directed the government to file a letter following the status conference with respect to these issues.

As set forth more fully during an ex parte telephone conference later in the day on April 22, 2015, due to security concerns, and in light of the fact that the MDC has informed the undersigned that it can accommodate the defendant's access to discovery materials, the Court determined that the defendant could be moved to the MDC. Indeed, the MDC has informed the undersigned that Kenner would be permitted to have access to his laptop computer

between the hours of 8 am to 7 pm on weekdays and from 8 am to 3 pm on weekends in the visitor area of the MDC.¹ After the government notified the Court during the April 22, 2015 ex parte telephone conference of the MDC's capabilities, the Court and the government contacted the USMS and the USMS transported Kenner to the MDC.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
Robert T. Polemeni
Assistant U.S. Attorney
(718) 254-6044

SO ORDERED

U.S. District Court
Southern District of New York
Dea. April 28 2015
U.S. District Court

¹ The MDC initially told the undersigned that Kenner would be permitted access to his laptop computer between the hours of 8am and 4 pm on weekends and that information was conveyed to the Court during the April 22, 2015 ex parte telephone conference. The undersigned subsequently learned, however, that Kenner will be permitted access between the hours of 8 am and 3 pm on weekends.